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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: RM-7967, AAD 92-39 -- Service Quality

Dear Ms. Searcy:

Enclosed for filing please find an original plus fourteen (14) of the Comments of Rochester Telephone Corporation in the above-captioned proceeding.

To acknowledge receipt, please affix an appropriate notation to the copy of this letter provided herewith for that purpose and return same to the undersigned in the enclosed self-addressed envelope.

Very truly yours,

Michael J. Shortley, III

cc: Downtown Copy Center

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Amendment of Part 61 of the
Commission's Rules To Require
Quality of Service Standards
in Local Exchange Carrier
Tariffs

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RM - 7967
AAD 92-39

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF ROCHESTER TELEPHONE
CORPORATION ON JOINT PETITION
FOR RULEMAKING

JOSEPHINE S. TRUBEK
General Counsel

ROCHESTER TELEPHONE CORPORATION
180 South Clinton Avenue
Rochester, New York 14646
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Michael J. Shortley, III
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June 19, 1992

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OFFICE OF THE SECRETARY

Introduction and Summary

1/
AuSable Valley Telephone Company, Inc., Breezewood Telephone Company, C, C & S Telco, Inc., Canton Telephone Company, Citizens Telephone Company, Inc., DePue Telephone Company, Enterprise Telephone Company, Fairmount Telephone Company, Inc., Highland Telephone Company, Inland Telephone Company, Lakeshore Telephone Company, Lakeside Telephone Company, Lakewood Telephone Company, Lamar County Telephone Company, Inc., Midland Telephone Company, Mid-South Telephone Company, Inc., Midway Telephone Company, Minot Telephone Company, Mondovi Telephone Company, Monroeville Telephone Company, Inc., Mt. Pulaski Telephone & Electric Company, Ontonagon County Telephone Company, Orion Telephone Exchange Association, Oswayo River Telephone Company, Prairie Telephone Company, S & A Telephone Company, Inc., The Schuyler Telephone Company, Seneca-Gorham Telephone Corporation, Southland Telephone Company, St. Croix Telephone Company, Sylvan Lake Telephone Company, Inc., The Thorntown Telephone Company, Inc., Urban Telephone Corporation, Viroqua Telephone Company, Vista Telephone Company of Iowa and Vista Telephone Company of Minnesota.

submits these comments^{2/} on the Joint Petition for Rulemaking submitted by the International Communications Association ("ICA") and the Consumer Federation of America ("CFA").^{3/}

ICA and CFA want the Commission to order exchange carriers to include a "limited number" of service quality standards, primarily those of interest to users of data services, in their interstate access tariffs. ICA and CFA contend that the inclusion of service quality standards in tariffs will result in several benefits to interstate access customers -- the ability to compare service quality among exchange carriers, pressure to improve service quality and the like -- and will place only minimal burdens on the Commission and on exchange carriers.^{4/}

The Commission should decline to initiate a rulemaking. There are no allegations in the Joint Petition that the quality of exchange carriers' access services is deficient and, thus,

^{2/} See Public Notice, "ICA, CFA Petition for Rulemaking To Require Service Quality Standards in LEC Tariffs," Mimeo 23227, DA 92-634 (May 21, 1992).

^{3/} Joint Petition for Rulemaking (April 6, 1992) ("Joint Petition").

^{4/} Id. at 9-10.

petitioners fail to demonstrate any need for the relief that they request.

In addition, incorporating service quality standards into access tariffs would not be particularly useful to end users, such as the members of ICA and CFA. Interstate services typically involve three service providers -- the originating exchange carrier, the interexchange carrier and the terminating exchange carrier. The quality of service provided to the end user customer results from a combination of the service provided by each of these entities. Thus, even if an end user experiences a problem, the source of the problem is not necessarily an exchange carrier.

Although ICA and CFA eschew the notion that requiring exchange carriers to tariff service quality standards will increase the administrative burden on the Commission, the Joint Petition confirms that this is precisely what will happen. ICA and CFA frame their request in terms of filing only existing, internal standards.^{5/} However, they explicitly reserve the right to challenge those standards.^{6/} Such a process will require the Commission to evaluate the reasonableness of the

^{5/} Id. at 15-16.

^{6/} Id. at 16-17.

standards, thus increasing the Commission's administrative burden.

Indeed, for these reasons, the Bureau, only thirteen months ago, rejected this identical request.^{7/} ICA and CFA have not shown the existence of any changed circumstances that warrants a different result now.

Argument

I. INCLUDING SERVICE QUALITY STANDARDS IN INTERSTATE ACCESS TARIFFS IS UNNECESSARY.

Although ICA and CFA claim that incorporating service quality standards into access tariffs will ultimately benefit customers, they fail to demonstrate that creating such a requirement is necessary in the first instance. Petitioners do not allege that the existing quality of exchange carriers' interstate access services is deficient. Indeed, the sole rationale for the Joint Petition is the submission by a number of exchange carriers, for the public record, of their internal service quality standards to the Energy and Commerce Committee of the House of Representatives.^{8/} The House Committee was, of course, investigating network outages and reliability, in

^{7/} Policy and Rules Concerning Rates for Dominant Carriers, CC Dkt. 87-313, Memorandum Opinion and Order, DA 91-619, ¶¶ 41-44 (Com. Car. Bur. released May 17, 1991) ("Service Quality Order").

^{8/} Joint Petition at 2-3.

light of the well-publicized outages affecting certain exchange and interexchange carriers. Despite this focus of the House investigation, petitioners carefully exclude such matters from the scope of their request and, instead, state that the Joint Petition is addressed primarily to concerns regarding gradual service deterioration.^{9/}

This position is a clear bootstrap. More importantly, petitioners fail to cite any evidence of gradual service deterioration. Absent even an attempt at such a showing, the Commission should decline to impose the requirement that ICA and CFA request. Indeed, last year, the Bureau concluded that, in light of the service reporting requirements that it had established for price cap carriers, including service quality standards in tariffs was unnecessary.^{10/} Notwithstanding the outages referred to above, ICA and CFA provide no basis for a conclusion that circumstances have changed over the past year.

Moreover, the primary benefits that ICA and CFA posit from the tariffing of service quality standards --

^{9/} Id. at 3-4.

^{10/} Service Quality Order, ¶ 44 ("Further, while we believe that a standards requirement might provide certain benefits, we are not persuaded that those benefits cannot be realized through the thorough and detailed monitoring program we have established.")

"benchmarking" and inducing improvement in standards^{11/} -- are already available. Carriers' internal standards have already been publicly disclosed. Thus, customers are now able to compare the service quality standards against which different exchange carriers evaluate their respective operations. Customers are also capable of applying pressure on exchange carriers with more lenient internal standards to improve their operations. Incorporating service quality standards in the access tariffs will not add to this ability.

In addition, contrary to ICA's and CFA's characterization^{12/}, the local exchange business is currently subject to substantial competitive pressure. If exchange carriers fail to meet their customers' expectations regarding service quality, those customers will seek alternative suppliers. The existence of competition will ensure that the quality of exchange carriers' access services meets customer demand. Further action by the Commission is unnecessary.

Finally, requiring exchange carriers to include service quality standards in their tariffs would not be particularly meaningful. Interstate services provided to end user customers typically involve multiple service providers. If end users -- such as ICA's and CFA's members -- experience problems on

^{11/} Joint Petition at 9-10.

^{12/} Id.

particular circuits or calls, there is no reason to assume that those problems reside in exchange carriers' networks. The recent network outages show that such problems can affect both exchange and interexchange networks. Requiring exchange carriers to tariff their service quality standards would, in these circumstances, serve no useful purpose.

II REQUIRING THE TARIFFING OF SERVICE
 QUALITY STANDARDS WOULD IMPOSE A
 SUBSTANTIAL BURDEN UPON THE
 COMMISSION AND UPON EXCHANGE
 CARRIERS.

Although ICA and CFA claim that they are requesting exchange carriers to include in their interstate access tariffs only their existing, internal standards,^{13/} they explicitly reserve the right to challenge any such standards.^{14/} In effect, ICA and CFA want the Commission to establish national service quality standards through the tariff review process. Inviting such challenges will necessarily require the Commission to devote substantial resources to resolving these disputes, a process that has already been deemed wasteful. As the Bureau concluded:

^{13/} Id. at 15-16.

^{14/} Id. at 16-17.

Further, the Commission has determined that there is no need at least at present, for it to develop national standards. It appears likely that a requirement that interstate tariffs include service quality standards would lead to various challenges of the standards so filed, with the result that the Commission would be expected to rule upon the acceptability of these standards, and probably to enforce them. This is tantamount to establishing national standards, a result that is not within the range of authority delegated to this Bureau by the Commission.^{15/}

While ICA and CFA attempt to avoid the Bureau's conclusion, they certainly indicate that their ultimate goal is to challenge this determination. However, they do not try to show that the Bureau was wrong or that circumstances have changed since last year. Adoption of ICA's and CFA's proposal would markedly increase the administrative burden on the Commission, without providing any countervailing public interest benefits.

Conclusion

For the foregoing reasons, the Commission should decline to initiate a rulemaking to consider whether exchange carriers

^{15/} Service Quality Order, ¶ 44.

should include service quality standards in their interstate access tariffs.

Respectfully submitted,


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June 19, 1992

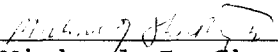
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Certificate of Service

I hereby certify that, on this 19th day of June, 1992, copies of the foregoing Comments of Rochester Telephone Corporation were served by first-class mail, postage prepaid, upon the following:

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